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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hugh R. Sharkey et al.

Art Unit : 3739

Serial No. : 09/664,473

Examiner : David M. Shay

Filed : September 18, 2000

Title : IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

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REPLY TO ACTION OF SEPTEMBER 22, 2005

Applicant thanks the Examiner for the phone interview on October 20, 2005. Applicant's representative and the Examiner discussed (1) whether the applied references disclosed the "naturally joined" limitation of claim 1, (2) whether the applied references disclosed that RF energy and laser energy were equivalent, as asserted in the Office Action, and (3) whether the applied references disclosed the recitations of claim 67. Further summary of the interview is included in the remarks below.

Claims 57-67 were examined. Applicant has not amended, added, or cancelled any claims. Accordingly, claims 57-67 are presented for consideration in light of the remarks below. Claim 57 is independent.

Claims 57-62 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson (5,571,216). Applicant respectfully traverses the rejection as explained below.

Anderson does not disclose or suggest at least "applying a controlled amount of RF thermal energy ... to vascularized, densely collagenous tissue of at least a portion of a ligament, tendon or joint capsular tissue naturally joining portions of a body" (claim 57, emphasis added). Rather, Anderson describes joining or welding collagen-containing tissue by bringing the free ends of the collagen fibrils at the surface of two disconnected tissues into contact. See, e.g., Anderson, col. 3, lines 62-67 and FIGS. 2 and 3. Thus, rather than applying RF thermal energy to collagenous tissue naturally joining portions of a body, as claimed in claim 57, the collagenous tissue to which RF thermal energy is applied in Anderson is disconnected.